

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

ORDER
08-CR-150A

MARK HILL,
JON HALL,
JOHN SMITH and
THOMAS JAMES,

Defendants.

The above-referenced case was referred to Magistrate Jeremiah J. McCarthy, pursuant to 28 U.S.C. § 636(b)(1)(A). On March 12, 2009, Magistrate Judge McCarthy filed a Report and Recommendation, recommending (1) that defendant Hall's motion to suppress evidence be denied, without prejudice to defendant's right to move for suppression of any statements other than his written statement dated December 14, 2007, which may subsequently be relied upon by the government; (2) that defendant James' motions for an evidentiary hearing and for severance be denied; and (3) that defendant Hill's motions to dismiss and for severance be denied.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties. No objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge McCarthy's Report and Recommendation, (1) defendant Hall's motion to suppress evidence is denied, without prejudice to defendant's right to move for suppression of any statements other than his written statement dated December 14, 2007, which may subsequently be relied upon by the government; (2) defendant James' motions for an evidentiary hearing and for severance is denied; and (3) defendant Hill's motions to dismiss and for severance is denied.

The case is referred back to Magistrate Judge McCarthy for further proceedings.

SO ORDERED.

s/ Richard J. Arcara
HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

DATED: April 2, 2009